

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BARBARA HAYWOOD,

Plaintiff,

v.

Hon. Robert J. Jonker

LAWRENCE HOUGH, et al.,

Case No. 1:17-cv-00508

Defendants.

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ORDER

This matter is before the Court on Plaintiff's Rule 37(c)(1) Motion for an Order Excluding Cassandra Wilcox as a Witness and Striking Defendants' Incident Report and Videotape for Failure to Disclose as Required by Fed.R.Civ.P. Rule 26(a)(1)(A) (ECF No. 97) and Defendant Hough's Motion for Extension of Time for Review of Emails and Audios Containing Phone Calls (ECF No. 115). For the reasons stated on the record at the hearing held October 11, 2018:

1. Plaintiff's Rule 37(c)(1) Motion for an Order Excluding Cassandra Wilcox as a Witness and Striking Defendants' Incident Report and Videotape for Failure to Disclose as Required by Fed.R.Civ.P. Rule 26(a)(1)(A) (ECF No. 97) is **granted in part and denied in part** as follows.

a. The motion to exclude is **denied** as to Cassandra Willcox.

b. As ordered at the hearing, defense attorney Gregory R. Grant has filed an affidavit with attached Rule 26(a) disclosures which included the subject incident report. Upon review of the affidavit (ECF No. 120), plaintiff's motion to exclude is **denied** with regard to the incident report.

c. Regarding the subject videotape, plaintiff has been provided with the tape pursuant to a protective order. The motion (ECF No. 97) is **granted** only insofar as plaintiff may have an additional 30 days from the October 11, 2018, hearing to conduct discovery regarding the videotape.

2. Defendant Hough's Motion for Extension of Time for Review of Emails and Audios Containing Phone Calls (ECF No. 115) is **dismissed as moot**.

3. The parties may have 30 days from the October 11, 2018, hearing for discovery regarding the phone calls and emails.

4. Defendant Eagle's oral motion to extend the November 21, 2018, dispositive motion deadline is **denied**.

IT IS SO ORDERED.

Dated: November 2, 2018

/s/ Ellen S. Carmody
ELLEN S. CARMODY
U.S. Magistrate Judge